

August 14, 2019

MINUTES

**REGULAR MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
August 14, 2019
7:00 P.M.**

TOWN BOARD MEMBERS PRESENT:

MELISSA HARTMAN - SUPERVISOR
RICHARD VENTRY - COUNCILPERSON
SUSAN WILHELM - COUNCILPERSON
MICHAEL BYRNES - COUNCILPERSON
GARY SAM - COUNCILPERSON

DEPARTMENT HEADS PRESENT:

Jesse Baker - Code Enforcement Officer
Michael Felschow - Chief of Police
Joe Hart - Eden Fire Chief
Rick Kirst - East Eden Fire Chief
Ronald Maggs - Superintendent of Highways
Robert Pietrocarlo - Chairman Board of Assessors
Amy Porter - Recreation Director
Ray Zabron - Dog Control Officer

OTHERS PRESENT:

William Trask - Town Attorney
Emily Hawkins - Town Clerk
Lisa Winter - Bookkeeper
Marlene Grunder - Administrative Assistant

Call to Order:

Supervisor Hartman called the Regular Meeting of the Eden Town Board to order at 7:07 P.M.

*It was noted that paving was being done on E. Church Street and there were issues with coming down the road to Town Hall. Ron Maggs spoke to the County and they agreed to let people down the road if they were coming to the Town Hall.

Pledge of Allegiance

Approval of Minutes:

Supervisor Hartman stated that the approval of the July 10, 2019 minutes would be tabled to allow the Town Clerk time to add an appendix to the minutes. The appendix will include questions and answers arising from the public hearing on the Special Use Permit for Eden Solar LLC, that were provided to the Supervisor’s Office following the public hearing.

MOTION was made by Supervisor Hartman to approve the Town Board Minutes of July 18, 2019 as presented; seconded by Councilperson Wilhelm; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman asked if there were any additions or corrections to the Town Board Minutes of July 18, 2019; there were none.

Petitions: There were none.

Budget Transfers/Amendments:

From Account	To Account	Reason for Amendment	Amount
A2680 Insurance Recoveries	A4540.2 Ambulance-Equipment	Repair of Rescue Truck Tower	\$31,311.80
A1990.4 Contingent Fund	A7410.2 Library Equipment	Legal Notice to Spend from Permissive Referendum for Library Roof	\$76.00

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D878.2 Restricted Reserve Highway Equip.	D5130.2 Highway Machinery	Dump Body & Plow Truck Per Permissive Referendum	\$83,844.30
SW917 Water Unassigned Fund Balance	SW9950.9 Transfer out to Capital	Water Fund Portion above what was borrowed for Tank Painting	\$199,667.13

MOTION was made by Supervisor Hartman to approve the Budget Transfers/Amendments as presented; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Audit Bills:

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DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	472-558	\$68,203.91
Highway Dept. Fund	209-237	\$234,196.71
Fire Dept. Fund	160-188	\$18,833.59
Recreation Dept. Fund	92-116	\$6,561.76
Refuse and Garbage Fund	20-20	\$43,847.45
Street Lights Fund	17-19	\$4,336.56
Water Fund	26-32	\$2,307.39
Capital Fund		
H8230.405	No Activity	
H8320.406	No Activity	
H8302.407	No Activity	
H8320.408	1-1	\$607,797.13

MOTION was made by Councilperson Wilhelm to approve the Audit of Bills as presented; seconded by Councilperson Byrnes; All “Ayes”? Opposed? – None; Abstain? – None; Motion carried.

Departmental Reports:

Department reports for the month of July 2019 were presented by Rick Kirst, East Eden Fire Chief; Joe Hart, Eden Fire Chief; Robert Pietrocarlo, Chairman Board of Assessors; Michael Felschow, Eden Police Chief; Ronald Maggs, Superintendent of Highways; William Trask, Town Attorney; Emily Hawkins, Town Clerk; Jesse Baker, Code Enforcement Officer; Amy Porter, Recreation Director; and Ray Zabron, Dog Control Officer. All reports are on file in the Town Clerk’s office.

Joe Hart asked to remove Mitchel Laing from the active roster. The Board thanked him for his service to the Town of Eden.

William Trask asked the Town Board for authorization to proceed with defense of the assessment challenge for Kelly’s Place at 8531 N. Main St. The defense will be based on an hourly wage for Attorney Trask as it is outside of his contract with the Town of Eden.

MOTION was made by Supervisor Hartman to authorize Attorney Trask to proceed with defense of the assessment challenge at 8531 N. Main Street; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Public Comment on Agenda Items Only: There were none

New and Unfinished Business:

1. Award Bid for Refurbishing of East Eden Fire Truck Pumper #4:

East Eden Fire Department Pumper – Engine 4 Refurbish Bid (2019) Award Resolution

WHEREAS, the review of bids by the East Eden Fire Company has determined that E-One is the only bidder; and

WHEREAS, the Town Attorney and Town Board has reviewed the bid.

NOW, THEREFORE, IT IS RESOLVED, to award the East Eden Fire Department Pumper – Engine 4 Refurbish (2019) contract to E-One in the amount of \$75,056.21.

This Resolution is subject to a 30-day permissive referendum to ensure the availability of funds in the amount of \$75,056.21 from the Restricted Capital Reserve Fire – SF878.

MOTION was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

RESOLUTION AUTHORIZING SUPERVISOR MELISSA M. HARTMAN TO EXPEND FUNDS FROM THE RESTRICTED CAPITAL RESERVE FIRE FUND OF THE TOWN OF EDEN SUBJECT TO PERMISSIVE REFERENDUM.

The Town Board of the Town of Eden, does hereby resolve pursuant to the provisions of Section 6-C of the General Municipal Law of the State of New York that the Town Supervisor of the Town of Eden be and is hereby authorized and directed to appropriate a sum not to exceed \$75,100 from the Restricted Capital Reserve Fire Account No. SF878 of the Town of Eden for the purpose of refurbishing Pumper Engine 4.

This resolution shall be subject to permissive referendum, as permitted by law.

BY ORDER OF THE GOVERNING BODY OF THE TOWN OF EDEN, NEW YORK.

MOTION was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. Declare Truck #12, 1998 Chevrolet CK3500 surplus for Highway Dept. and Permission to Sell at Auction:

MOTION was made by Supervisor Hartman to declare Truck #12, 1998 Chevrolet CK3500, Vin #1GBHC34R8WF062650 surplus and to sell at auction; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Eden Bowling Center Liquor License Renewal:

This item is informational only.

4. Authorization for NY Power Authority to Proceed with Full Turn-Key Solution of the LED Street Light Project:

Supervisor Hartman stated this authorization would allow NYPA to move forward with the design process for LED conversion and enter a 90-day waiting period.

MOTION was made by Supervisor Hartman for authorization to proceed with turn-key street light project; seconded by Councilperson Sam; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

5. Declare 23 Telephones and One Answering Machine Surplus:

MOTION was made by Supervisor Hartman to declare 23 telephones, one answering machine, and all KSU switches surplus; seconded by Councilperson Byrnes; All “Ayes”; Opposed? - None; Abstain? – Councilperson Ventry; Motion carried.

6. Recognize Resignation of Diane Herzog as Part Time Code Enforcement Office Secretary, Planning Board Secretary, and Zoning Board Secretary:

Supervisor Hartman recognized the resignation of Diane Herzog who has been working for the Town of Eden for 12 years. She has done a fantastic job and will be missed by all.

7. Resignation of Part Time Police Officer Jason Schiedel:

Supervisor Hartman recognized the resignation of part-time police officer Jason Schiedel and thanked him for his service to the Town of Eden.

8. Appoint Daniel Welch as Part Time Police Officer:

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MOTION was made by Supervisor Hartman appoint Daniel Welch as part-time Police Officer at a rate of pay of \$22.00 per hour; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

9. Appoint Jeremy Lilga as Part Time Dispatcher:

MOTION was made by Supervisor Hartman to appoint Jeremy Lilga as part-time dispatcher at a rate of pay of \$14.13 per hour; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

10. Increase Jennifer Crowe’s Hours from 36-40:

Supervisor Hartman stated Jennifer Crowe currently works as part-time Code Enforcement Officer Secretary and Clerk to the Assessors and these roles have moved her out of the Supervisor’s Office. The increase in hours from 36-40 would allow her to work four hours in the Supervisor’s Office which would prevent the office from hiring for that position and save additional hours. If the Supervisor’s Office still needs additional assistance, they will look at hiring another person for 10-12 hours per week.

Councilperson Wilhelm stated she would like to table this decision until Jennifer has worked in the new position and the need is evaluated. Supervisor Hartman replied that the need in the Supervisor’s Office is immediate and someone would need to be hired if the four hours could not be approved.

MOTION was made by Supervisor Hartman to increase Jennifer Crowe’s hours from 36 to 40 hours per week; seconded by Councilperson Byrnes; Hartman, Ventry, Byrnes, Sam – “Ayes”; Opposed? – Councilperson Wilhelm; Abstain? – None; Motion carried.

11. Appoint Jennifer Crowe as Planning Board Secretary and Zoning Board Secretary:

MOTION was made by Supervisor Hartman to appoint Jennifer Crowe to Planning Board Secretary at a rate of pay of \$110.00 per session and Zoning Board Secretary at a rate of pay of \$100.00 per hearing plus \$15.00 per hour; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

12. Addendum to the Eden Central School Facility Use Agreement:

MOTION was made by Supervisor Hartman to approve the addendum to the Eden Central School Facility Use Agreement; seconded by Councilperson Byrnes; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

13. Agreement for Purchase and Sale of Street Lights:

MOTION was made by Supervisor Hartman to approve the agreement for purchase and sale of street lights between Niagara Mohawk Power Corporation and the Town of Eden; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Supervisor Hartman to close the Regular Meeting of the Eden Town Board and enter the Public Hearing; seconded by Councilperson Wilhelm; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

The Public Hearing was opened at 7:42 PM.

**TOWN OF EDEN CONSOLIDATED WATER DISTRICT NO. 2
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Eden, as Commissioners of the Town of Eden Consolidated Water District No. 2 (“Eden CWD2”) on Wednesday, August 14, 2019 at 7:30 p.m. at the Eden Town Hall, 2795 E. Church Street, Eden, New York regarding the proposed sale of the assets of Eden CWD2 (except the Wepax Road Water Service Area); such sale to include waterlines, pump stations, tanks, easements and appurtenances to the Erie County Water Authority (ECWA) in consideration for the ECWA entering into a Direct Service Agreement with Eden CWD2 whereby the Erie County Water Authority will have the

obligations and responsibilities to maintain, repair, improve or oversee the water system property and facilities (except the Wepax Road Water Service Area), except for the payment of annual public hydrant fee; such sale and transfer is subject to mandatory referendum pursuant to Town Law Section 198 (12)(b)

Interested parties shall be entitled to be heard upon said proposed sale at such Public Hearing.

Attorney Trask stated that this public hearing is part of the process of moving to direct service with Erie County Water Authority. In July, the Town consolidated their water districts and will now call for a referendum for approval of voters to transfer the assets as part of the direct service agreement.

Supervisor Hartman asked if there was any one present to be heard: There were none.

All persons desiring to be heard, having been heard, Supervisor Hartman closed the Public Hearing at 7:48 pm.

MOTION was made by Supervisor Hartman to close the Public Hearing and return to the Regular Meeting of the Eden Town Board; seconded by Councilperson Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

14. Resolution and Order Authorizing the Sale of Assets of the Town of Eden Consolidated Water District No. 2, Except Wepax Road Water Service Area, to Erie County Water Authority, Subject to Mandatory Referendum:

SPECIAL DISTRICT: Resolution and Order after Public Hearing Authorizing the Sale of Assets of the Town of Eden Consolidated Water District No. 2, except Wepax Road Water Service Area, to Erie County Water Authority, subject to Mandatory Referendum.

A regular meeting of the Town Board of the Town of Eden, in the County of Erie, New York, held at the Town Hall, 2795 E. Church Street, Eden, New York, in said Town on the 14th day of August, 2019.

PRESENT: Supervisor Hartman
Councilmember Ventry
Councilmember Byrnes
Councilmember Wilhelm
Councilmember Sam

Acting as Commissioners of Town of Eden Consolidated Water District No. 2

In the Matter of

The proposed transfer of assets of the Town of Eden Consolidated Water District No. 2 (except for the Wepax Road Water Service Area) from the Town of Eden Consolidated Water District No. 2 to the Erie County Water Authority pursuant to a Direct Service Agreement requiring the Erie County Water Authority to have full management and responsibility.

WHEREAS, pursuant to the Order Calling Public Hearing adopted on July 18, 2019, a public hearing was duly called and held by the Eden Town Board on August 14, 2019 at 7:30 p.m. at the Town Hall located at 2795 E. Church Street in the Town of Eden, and considerable discussion on the matter having been had and all persons desiring to be heard have been heard, including those in favor of and those in opposition to said transfer of assets to the Erie County Water Authority; and

WHEREAS, the Town Board, pursuant to the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law (SEQRA), has duly considered and reviewed all applicable federal, state and local laws

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and regulations regarding environmental matters, including compliance with SEQRA, as related to the impact of the transfer of said assets; and

WHEREAS, the proposed Direct Service Agreement requires the transfer of the assets of the Eden Consolidated Water District No. 2 (except the Wepax Road Water Service Area) to the Erie County Water Authority with full responsibility to manage and operate the water system (except the Wepax Road Water Service Area) including the Erie County Water Authority having full responsibility for all costs of the infrastructure as well as the management and operation;

WHEREAS, the proposed transfer of said assets requires the approval by a majority vote of the qualified electors of the Eden Consolidated Water District No. 2 voting thereon pursuant to Town Law Section 198 (12)(b);

NOW, THEREFORE, it is hereby

ORDERED, that upon approval by majority vote of the qualified electors of Town of Eden Consolidated Water District No. 2 that the assets of said district (except the Wepax Road Water Service Area) shall be transferred to the Erie County Water Authority in consideration for providing service under Direct Service Agreement subject to a mandatory referendum of qualified electors as aforesaid; and it is further

ORDERED, that there shall be a Special Town Election to be held in said Town on the 6th day of September, 2019, and there will be submitted to the qualified electors of the said District at said election to consider the following proposition:

Shall the assets of the Town of Eden Consolidated Water District No. 2, except for the Wepax Road Service Area, be transferred to the Erie County Water Authority under a Direct Service Agreement?

ORDERED, that said election shall be held at the Eden Town Hall located at 2795 E. Church Street in the Town of Eden, and that the polls of said election shall be opened at the hour of 12:00 Noon o'clock (local time) and will close at the hour of 8:00 p.m. o'clock (local time) and that such vote upon the proposition shall be taken by ballot in the manner provided by law; and it is further

ORDERED, that, at least ten (10) days prior to the date of said Special Election, the Town Clerk shall publish notice of the Special Town Election in the official town newspaper and shall post copies of such notice on the sign-board of the Town maintained pursuant to Town Law Section 30 (6) specifying the time when and place where such election shall be held, the hours during which the polls will remain open for the purpose of voting and shall set forth in full the proposition to be voted upon. No person is entitled to vote in said election unless he or she is a qualified elector of Town of Eden Consolidated Water District No. 2.

DATED: August 14, 2019

ORDERED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF EDEN,
AS COMMISSIONERS OF TOWN OF EDEN CONSOLIDATED WATER DISTRICT
NO. 2

MOTION was made by Supervisor Hartman to approve the resolution as presented; seconded by Councilperson Byrnes; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried

Supervisor's Report:

- Successful Corn Festival – Thanked the Corn Festival Safety Team which includes a number of individuals and organizations within the town that work together to ensure patron safety.
- Town is seeking volunteer drivers for the senior car, contact the Supervisor's Office if you are interested.
- Volunteers needed for the Emergency Management Team, contact the Supervisor's Office if you are interested.

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Councilperson Wilhelm:

- Library roof has been completed
- Friends of Eden Library will be hosting a hot dog cookout on August 28, 2019

Hearing of Visitors: There were none.

Adjournment:

MOTION was made by Supervisor Hartman to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilperson Ventry; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Regular Meeting of the Eden Town Board at 8:04 P.M.

Respectfully submitted by,

Emily Hawkins, Town Clerk